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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
18

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA, by and through Dawyn R.
21 Harrison, County Counsel for the County of
22 Los Angeles, and THE COUNTY OF LOS
23 ANGELES,

24 Plaintiffs,

25 v.

26 CHIQUITA CANYON, LLC, a Delaware
27 limited liability company; CHIQUITA
CANYON, INC., a Delaware corporation;
WASTE CONNECTIONS US, INC., a
Delaware corporation; and DOES 1-50,
inclusive,

28 Defendants.

Case No. 2:24-cv-10819-MEMF (MARx)
Related Case: 2:23-cv-08380-MEMF (MARx)

Hon. Maame Ewusi-Mensah Frimpong

**PLAINTIFFS' REQUEST FOR JUDICIAL
SITE VISIT IN CONNECTION WITH
COUNTY'S MOTION FOR A
PRELIMINARY INJUNCTION**

Date: July 17, 2025
Time: 10:00 a.m.
Dept.: 8B

Action Filed: December 16, 2024
Trial Date: None Set

I. INTRODUCTION

Plaintiffs the People of the State of California by and through the County of Los Angeles (“Plaintiffs” or “the County”) hereby request that this Court visit the locations at issue in the County’s concurrently filed Motion for Preliminary Injunction (“Motion”). The County requests the Court inspect the Chiquita Canyon Landfill located at 29201 Henry Mayo Dr, Castaic, CA 91384 (“Landfill”) along with the adjacent Val Verde residential neighborhood as reflected in the map below:



II. A SITE VISIT IS APPROPRIATE HERE

“The propriety of a judge, either with or without a jury, making an on-site view of areas outside the courtroom is well established and, in fact, is recorded in English law as early as the thirteenth century.” (*United States v. State of Wash.*, 459 F. Supp. 1020, 1094–95 (W.D. Wash. 1978), *aff’d*, 645 F.2d 749 (9th Cir. 1981) [citing multiple cases and secondary sources confirming trial court’s discretion to conduct a site visit].)

1 “A trial judge is more than a moderator or umpire. His responsibility is to preside in the
2 manner and with the demeanor to provide a fair trial to all parties and his discretion in the
3 performance of this duty and management is wide. … One of the functions of the trial judge is to
4 develop facts.” (*U.S. v. Larson*, 507 F.2d 385, 389 (9th Cir. 1974) [internal citations and quotes
5 omitted]; *see also, U.S. v. Professional Air Traffic Controllers Organization (PATCO)*, 527
6 F.Supp. 1344 (N.D. Ill. 1981) [judge permitted to visit scene of picketing at issue in the case].

7 The request for a judicial site visit is needed because words on a page, or in a brief or
8 declaration, argument from counsel at a hearing, and even testimony from live witnesses at a
9 hearing, are no substitute for the Court’s own ability to assess the situation, view the actual scene,
10 and smell the odors that are the subject of the County’s concurrently filed Motion. Rather, to fully
11 “develop facts” and understand the issues raised in the County’s Motion, a site visit is necessary.

12 As discussed in the Motion, and in the factual declarations filed in support thereof (such as
13 the South Coast Air Quality Management District declaration from Amanda Sanders), the human
14 nose can detect odors that machines and monitors cannot. (Sanders Declaration, Par. 23 [“many
15 noxious smells can be more aptly detected by the human nose as opposed to a measuring
16 device”].) This fact alone further supports the need for a site inspection here. An inspection will
17 allow the Court a unique perspective on the issues that have been in play for months on end
18 adjacent to the Landfill.

19 Indeed, the only way for the Court to truly understand what the neighboring communities
20 surrounding the Landfill have been suffering through for years, is for the Court to visit the site,
21 and specifically, for Judge Frimpong to have the benefit of this on-site inspection.

22 **III. LOGISTICS AND SAFETY PROTOCOLS**

23 As part of the site inspection, the County proposes that the parties should meet and confer
24 regarding the appropriate timing, logistics and safety protocols, and present to the Court further
25 documentation relating to the details of the visit. Specifically, the County suggests that within 5
26 days of the Court’s Order to grant the request for a judicial site visit, the parties be ordered to meet
27 and confer regarding appropriate protocols, and within 15 days of the Court’s Order, the parties
28 jointly submit a logistics and protocols document, which would specify: 1) the appropriate

1 locations to visit, 2) proposed dates/timing options for the visit, 3) the parties to be present, 4) the
2 logistics and potential agenda for the visit; and 5) any relevant safety protocols.

3 **IV. CONCLUSION**

4 Based on the foregoing, the County requests that the Court grant the County's request for a
5 judicial site visit.

6

7 DATED: May 29, 2025

MEYERS NAVE

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